

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**  
Plaintiff,

v.

**THOMAS FARMER,**  
Defendant.

Criminal No. 03:13-cr-00162 (DRD)

**UNITED STATES' MOTION FOR CLARIFICATION  
OF COURT'S ORDER TO DISCLOSE ALASKA DOCUMENTS**

During the pretrial conference on January 20, 2015, the Court ordered the government to produce documents related to its investigation of the Alaska and Pacific trade lanes. (Dkt. 320).<sup>1</sup> Two days later, a teleconference was held and the Court again ruled that the government should “disclose the Alaska documents.” (Dkt. 323). Immediately after that teleconference, the government complied by producing to defendant a hard drive with the requested documents.

The United States did not interpret the Order to disclose “the Alaska documents” as also requiring the production of FBI 302 reports, other interview reports or the transcripts of grand jury testimony from that investigation. The focus of oral argument during both the pretrial conference and the teleconference was on the document production and not the interview reports or grand jury transcripts. For that reason, those materials were not included in the government’s January 22 production. On January 26, 2015, the United States notified defendant of its position on this issue so he could raise it with the Court if necessary. Nearly two weeks have passed, and

---

<sup>1</sup> The pretrial conference Minute Entry reports that the “Government stated that the Alaska scheme is one of the many means and methods of the overarching conspiracy in this case.” (Dkt. 319 at 1). That is incorrect. The “Florida 50/50” between Horizon and Sea Star, not any conduct in Alaska (including any alleged “Alaska 50/50”), was part of the means and methods of the conspiracy in this case.

defendant has not done so. Out of an abundance of caution, and to avoid any potential delay of the March 4 trial date from this issue, the United States moves for clarification as to whether the Court's Order requires the production of these interview reports and grand jury transcripts.

The United States does not believe it should be required to produce these materials. None of the persons who were interviewed or testified in the Alaska investigation will be witnesses in the trial of this case. The government has already reviewed the interview reports and grand jury transcripts for any *Brady* material and has found none. In all of these materials, defendant Farmer is mentioned only twice and the government disclosed the content of those two references more than five months ago. (Dkt. 205 at 4).<sup>2</sup>

Accordingly, the United States believes it has complied with the Court's Order (Dkt. 320), but moves for clarification as to whether it must also now produce the FBI 302 reports, interview reports and grand jury transcripts from its Alaska and Pacific investigation.

DATED: February 6, 2015

Respectfully submitted,

/s/ Craig Y. Lee  
Craig Y. Lee, PR Attorney #G01208  
Jon B. Jacobs, PR Attorney #G01508  
Trial Attorneys, Antitrust Division  
U.S. Department of Justice  
450 5<sup>th</sup> St., NW Suite 11300  
Washington, DC 20530  
Tel: (202) 307-1044  
Fax: (202) 514-6525  
Email: craig.lee@usdoj.gov

---

<sup>2</sup> Both references to defendant Farmer found within these materials concerned whether the witness had met him before. One witness said he had not and the other said he had met him at a training program.

**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2015, a true and correct copy of the foregoing  
“MOTION FOR CLARIFICATION OF COURT’S ORDER TO DISCLOSE ALASKA  
DOCUMENTS” was filed electronically and to the best of my knowledge, information and  
belief, counsel for defendant will be notified through the Electronic Case Filing System.

/s/ Jon B. Jacobs  
Jon B. Jacobs, PR Attorney #G01508  
U.S. Department of Justice  
Antitrust Division  
450 Fifth Street, N.W., Suite 11300  
Washington, D.C. 20530  
Tel.: (202) 514-5012  
Fax: (202) 514-6525  
Email: jon.jacobs@usdoj.gov